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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/769,792	02/03/2004	Michihiro Miyake	Q79500	9238
23373	7590	11/14/2005	EXAMINER	
SUGHRUE MION, PLLC 2100 PENNSYLVANIA AVENUE, N.W. SUITE 800 WASHINGTON, DC 20037			GREEN, BRIAN	
			ART UNIT	PAPER NUMBER
			3611	

DATE MAILED: 11/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/769,792	<b>Applicant(s)</b> MIYAKE, MICHIMIRO	
	<b>Examiner</b> Brian K. Green	<b>Art Unit</b> 3611	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 11 August 2005.
- 2a) ☐ This action is FINAL.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) 2-6,9-12,17 and 18 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,7,8 and 13-16 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 03 February 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Election/Restrictions*

Applicant's election without traverse of Species VIII (figures 9A and 9B) in the reply filed on Aug. 11, 2005 is acknowledged.

Claims 2-6,9-12,17, and 18 have been withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected species, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on Aug. 11, 2005.

### *Drawings*

The drawings are objected to because figures 2A and 2B are interconnected with dotted lines which is improper. In figure 2A, the cross-section X-X should be 2B-2B to make it clear that the cross-section is shown in figure 2B. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not

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accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Claim Rejections - 35 USC § 112***

Claims 1,7,8, and 13-16 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 1, line 1, and claim 14, line 2, it is not clear whether “to a connector” is referring to the connector referred to earlier in the claim. In claim 1, line 1, and claim 14, lines 1-2, it is not clear whether the applicant is positively claiming that the indicator is attached to the connector.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1,7,8, and 13-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Neal et al. (U.S. Patent No. 905,349).

Neal et al. shows in figures 1-3 a first indication member (element A and the upper portion of tag d attached thereto) which includes first information (the information on the upper portion of tag d) and which is attached to a position such that the connector (a,b,c) cannot be connected if the user does not remove the indicator. Neal et al. does not disclose placing the same message on the indication member as defined by the applicant in claim 1. It is considered to have been an obvious matter of design choice to place any message on the indication member as desired.

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Printed matter that is not functionally related to the substrate does not distinguish the invention from the prior art. In regard to claims 7 and 14, Neal et al. shows a second indication member (the lower portion of tag d) which does not impede connection of the connector. In regard to claims 8 and 16, the first and second indicator members can be separated from the connector. In regard to claim 13, as broadly defined, the first and second indication members form a bag, i.e. the element A includes an opening which receives the connector and as broadly defined the element A is a "bag". In regard to claim 15, the first indication member (A) is structured so as to be attached to a position such that the connector cannot be connected if the user does not remove the indicator.

Claims 1,7,8, and 13-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Alexander (U.S. Patent No. 6,811,027) in view of Gendreau (U.S. Patent No. 5,090,559) or Kugler (U.S. Patent No. 3,281,056).

Alexander shows in figures 1,5, and 6 a first indication member (the portion of 15 to the left of perforation line 45 in the figures) and which is attached to a position such that the connector (the lower portion of the hanger) cannot be connected if the user does not remove the indicator. Alexander does not disclose placing indicia on the indication member as defined by the applicant in claim 1. Gendreau shows in figure 2 the idea of placing indicia on a protector. Kugler shows in figure 1 the idea of placing instruction indicia onto a container. In view of the teachings of Gendreau or Kugler it would have been obvious to one in the art to place indicia on the first indication member since this would allow information with regard to the bag and/or contents of the bag to be conveyed to observers. It is considered to have been an obvious matter of design

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choice to place any message on the indication member as desired. Printed matter that is not functionally related to the substrate does not distinguish the invention from the prior art. In regard to claims 7 and 14, Alexander shows a second indication member (the portion of 15 to the right of perforation line 45 in the figures) which does not impede connection of the connector when it is removed from the connector. The indicia from Gendreau or Kugler would be placed on both the first and second indication members and as discussed above it is considered within one skilled in the art to place any message on the indication members as desired. In regard to claims 8 and 16, the first and second indicator members can be separated from the connector. In regard to claim 13, the first and second indication members form a bag (15). In regard to claim 15, the first indication member is structured so as to be attached to a position such that the connector cannot be connected if the user does not remove the indicator.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian K. Green whose telephone number is (571) 272-6644. The examiner can normally be reached on M-F 7am-3:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lesley Morris can be reached on (571) 272-6651. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
BRIAN K. GREEN  
PRIMARY EXAMINER

Bkg  
Nov. 9, 2005